

In the United States District Court PM 4:17  
J. Saylor  
SO. DIST. OF GA.  
For the Southern District of Georgia  
Brunswick Division

ERVIN HILTON, JR.,

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Plaintiff,

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CIVIL ACTION NO.: 2:17-cv-95

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v.

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MARVIN GUIA; UNITED STATES  
BUREAU OF PRISONS; FCI JESUP, GA  
HEALTH SERVICES; FCI, GA DENTAL  
SOAP/AMIN ENCOUNTER,

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Defendants.

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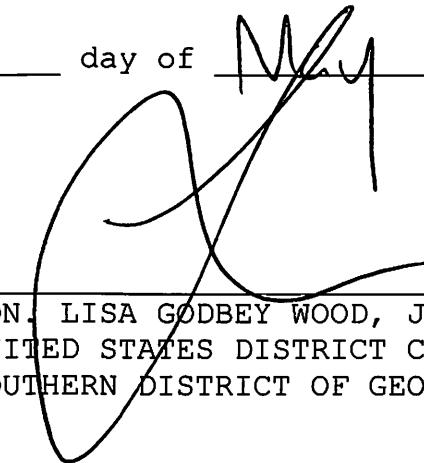
ORDER

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's March 19, 2018, Report and Recommendation, dkt. no. 11, to which Plaintiff filed Objections, dkt. no. 12. Plaintiff contends that, pursuant to McCarthy v. Madigan, 503 U.S. 140 (1992), he is not required to exhaust administrative remedies because he is filing a Bivens action solely for monetary damages. Dkt. No. 12, p. 1. However, McCarthy was superseded in 1995 when Congress passed the Prison Litigation Reform Act ("PLRA"), Pub. L. No. 104-134, 110 Stat. 1321. "The PLRA strengthened [the] exhaustion provision . . . . [A] prisoner must now exhaust administrative remedies even where the relief sought—monetary damages—cannot be

granted by the administrative process." Woodford v. Ngo, 548 U.S. 81, 84 (2006).

Accordingly, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES WITHOUT PREJUDICE** Plaintiff's Complaint for failure to exhaust administrative remedies and **DENIES** Plaintiff leave to appeal *in forma pauperis*. The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

**SO ORDERED**, this 11 day of July, 2018.

  
HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA